

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Heraeus Metal Processing, Inc.
13429 Alondra Boulevard
Santa Fe Springs, California 90670

EPA ID No. CAD 060398229

Respondent.

Docket HWCA 2007-1381

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Heraeus Metal Processing, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats and stores hazardous waste at the following site: 13429 Alondra Boulevard, Santa Fe Springs, California 90670.

1.3. Inspection. The Department inspected the Site on March 19, 20, 21, 22 and 27, 2007.

1.4. Authorization Status. Respondent is a precious metal recycler operating under its Standardized Hazardous Waste Permit, Series B and Granted Appeal, Docket No. HWCA 99/00-P003.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66264.15, in that on or about March 19, 2007, Respondent failed to follow its inspection schedule.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66264.13, subsection (b) and its Waste Analysis Plan, sections 3.2.1 and 2.2.2, in that on or about March 19, 2007, Respondent failed to follow its approved Waste Analysis Plan.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Effective immediately, Respondent shall adequately record the problems and corrective actions taken or to be taken in its daily inspection logs and repair units on a timely manner.

3.1.2. Effective immediately, Respondent shall re-evaluate all incoming waste if analysis indicates that the waste received is different from the waste profile or pre-acceptance documents.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a

satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of twenty-one thousand dollars (\$21,000), in penalty.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

And
Ramon Perez, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 8/16/07

Original signed by Curtis Mello
Curtis Mello, Vice President
Heraeus Metal Processing, Inc.

Dated: 8/28/07

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Department of Toxic Substances Control